

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____	x	
	:	
IN RE: Fosamax Products Liability	:	
Litigation	:	1:06-md-1789 (JFK)
	:	
_____	x	NOTICE OF DISMISSAL
	:	WITHOUT PREJUDICE
<i>This Document Relates to: 07 CV 2820</i>	:	
	:	
_____	x	

Plaintiff, Elva C. Toups, dismisses this civil action without prejudice pursuant to Fed.R.Civ. P. 41(a)(1)(i) and in support thereof would show that the Defendant has not served an answer or a motion for summary judgment.

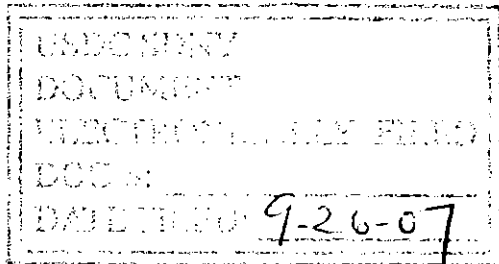
Dated this the 5th day of June, 2007.

Respectfully submitted,

s/Robert G. Germany
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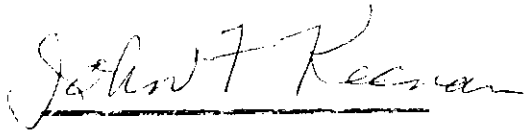


And

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SO ORDERED.

Dated: New York, N.Y.
September 26, 2007

A handwritten signature in cursive script, reading "John F. Keenan", written over a horizontal line.

U.S.D.J.